

# EXHIBIT 3

Highly Confidential Jace W. Connor

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF MICHIGAN  
3 SOUTHERN DIVISION

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5 In re FLINT WATER CASES

6 Civil Action No. 5:16-cv-10444-JEL-MKM

7 (consolidated)

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16 THE VIDEOTAPED DEPOSITION OF JACE W. CONNOR

17 Taken via Zoom

18 Commencing at 10:03 a.m.

19 Tuesday, December 13, 2022

20 Before Trisha Cameron, RDR, RMR, CRR, RPR, CSR

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1 Q. And what was the impetus for you leaving G360 and  
2 joining Veolia North America?

3 A. Well, it was a start-up so funding comes and goes. I  
4 was looking for more stable opportunities.

5 Q. Do you recall the date upon which you began working  
6 for Veolia North America?

7 A. October 14th, 2017.

8 Q. At the time you began working for Veolia North  
9 America on October 14th, 2017, what role did you  
10 have, if any, as it relates to litigation against  
11 Veolia North America arising out of the Flint water  
12 crisis?

13 A. None.

14 Q. I took the deposition of Ms. Griffiths about --  
15 sometime in the last 30 days, and she indicated that  
16 you were the individual at Veolia North America who,  
17 in her words, had the keys to the Google  
18 advertisement account. Is that true?

19 A. That is.

20 Q. Okay. So when I asked you beginning in October 2017  
21 what role you played, if any, regarding litigation  
22 associated with the Flint water crisis and you said  
23 none, does that mean that at that time, you were not  
24 dealing with the Google advertisement campaign, or

1 Mr. Demo at that point in time.

2 A. He asked if I was aware of the Flint Michigan water  
3 crisis. I acknowledged that I had some limited  
4 understanding of it based off of media. He explained  
5 to me that Veolia North America had a limited  
6 engagement regarding testing for a chemical compound  
7 within the water, and because of that association,  
8 we've been brought into litigation through the Flint  
9 water crisis.

10 The purpose of the Veolia Flint Facts  
11 website was to provide the facts from Veolia North  
12 America's position in terms of exactly our role and  
13 what we did do and what we did not do. Likewise, the  
14 ad words campaign existed to sponsor the visibility  
15 of that site for people that would search for that  
16 topic of interest.

17 Q. In 2019, in November of 2019, when you for the first  
18 time, in your words, updated new content and  
19 redesigned the standards of usability associated with  
20 the website, was that a static project that began and  
21 ended at a particular time, or was it something that  
22 continued over a period of time?

23 MR. KRAMER: Objection. Go ahead.

24 THE WITNESS: It was very brief. I

1 Q. At any point in time, did you make any selections in  
2 terms of keywords utilized for that campaign?

3 A. No.

4 Q. At any point in time, were you made aware of any  
5 changes to keywords associated with that campaign?

6 A. No.

7 Q. Who was in charge of setting the budget for that  
8 campaign?

9 A. I don't know. I think that's where the confusion  
10 was. I wasn't there at the time. So I don't know  
11 who set it.

12 Q. Sitting here today, do you still have access to that  
13 campaign?

14 A. I do. Sole access.

15 Q. So Mr. McFadden no longer has access?

16 A. Correct.

17 Q. Are you aware of at what point in time VNA began  
18 utilizing dynamic ads associated with the Google  
19 advertisement campaign?

20 A. That account was already configured with both static  
21 and dynamic ads when I inherited it.

22 Q. Are you familiar with how dynamic advertisements  
23 through Google work?

24 A. I am.

1 Q. Okay. Could you please explain based on your  
2 experience how they work.

3 A. Well, there's a couple of options. Which one would  
4 you like me to go over?

5 Q. All of them.

6 A. Okay. Well, essentially there's an option for a  
7 dynamic ad in which our ad words account is  
8 configured where you can predefine variables, such as  
9 titles, descriptions, landing page, and it can be a  
10 couple of different titles and a couple of different  
11 descriptions in the same ad. And the dynamic nature  
12 of it is that Google can change those titles and  
13 descriptions that you provide based off of relevance  
14 to the user's search to make it more relevant to  
15 their query. However, there's a lot of -- there's a  
16 lot of prerequisites to it in terms of, you know, the  
17 ad being approved for run based off that.

18 Another way of doing a dynamic ad is to  
19 allow Google, which is very common, when starting  
20 accounts is that provide Google with a landing page,  
21 have Google index that page. Based off of the  
22 content of that page, Google will make  
23 recommendations as to how you may or may not want to  
24 position that relative to key terms. However, you're

1 still responsible for creating the ad content in  
2 terms of title and description. And it goes through  
3 the approval process. Google does not make up stuff  
4 for you or content for you, and they don't allow you  
5 to misalign your content with a destination page.

6 Their goal is to provide the most relevant and  
7 authoritative result relative to a user's search.

8 Q. Any other ways besides those two that you just  
9 described?

10 A. That's pretty much the two -- those are the two  
11 options when you're configuring an ad words account.

12 Q. Are you aware of which or both of those two options  
13 VNA undertook when it set up its dynamic  
14 advertisement portion of the ad campaign?

15 A. Yeah. Our current configuration is to prefill a  
16 dynamic ad with up to two options on title and  
17 description and allow Google to determine which title  
18 or description is more relevant to the user's  
19 specific search based off of the key terms that are  
20 being optimized for.

21 Q. And optimization will change on Google's end as  
22 content is added or removed or updated on the end of  
23 the website, correct?

24 A. No.

1 William McFadden?

2 A. I would say that's correct. We've -- we have  
3 multiple ad groups and campaigns through that  
4 account, but I'm very protective of that because I  
5 don't want anybody modifying. You require a special  
6 skill set to be able to access and work within those  
7 campaigns.

8 Q. Does anyone from Reputation Squad have access to the  
9 Google campaign?

10 A. No.

11 Q. Does anyone in France have access to the Google  
12 campaign?

13 A. No. And I have two-factor authentication set on it.  
14 So, for instance, if somebody was to get the  
15 credentials and attempt to access it, I would get a  
16 notification on my phone that there's an attempted  
17 access. They would have to provide a token to  
18 authenticate that access.

19 Q. You became aware at some point -- did you become  
20 aware at some point in time of the Twitter account  
21 @VNAFlintFacts?

22 A. I did.

23 Q. When did you become aware of that account?

24 A. I don't have the exact date, but I would say probably

1 Q. Are you the person who is most knowledgeable about  
2 VNA's use of Google Ad words, its Google Ad words  
3 account as it relates to the Flint water crisis?

4 A. Correct.

5 Q. Okay. So focusing on that Google Ad words account.  
6 Does Google advertising allow users to use geographic  
7 and demographic targeting tools?

8 A. Yes, they allow it. It's the industry standard.

9 Q. Okay. And are you generally familiar with the  
10 geographic and demographic targeting options that  
11 Google makes available to users?

12 A. Yes, I am.

13 Q. Okay. Are Google Ad word users able to target  
14 advertising to particular states?

15 A. Yes, you can target by state.

16 Q. Okay. Can you target advertising to particular  
17 counties?

18 A. Yes, counties too.

19 Q. Okay. Can you target advertising to particular ZIP  
20 codes?

21 A. Yep.

22 Q. Can you target things like universities?

23 A. Yes, you can.

24 Q. Okay. And, in fact, beyond the examples I just

1           talked about, are there a significant number of other  
2           geographic targeting options available to Google Ad  
3           word users?

4       A.    Yeah.  There's a lot more options.

5       Q.    Okay.  I'm focusing now on how VNA actually used the  
6           Google Ad words product as it relates to Flint.  Did  
7           VNA target its advertising to particular states?

8       A.    No.

9       Q.    Did VNA target its advertising to particular  
10          counties?

11      A.    No, it did not.

12      Q.    Did it target particular ZIP codes?

13      A.    Nope.

14      Q.    Did it target particular universities?

15      A.    Absolutely not.

16      Q.    Okay.  And, in fact, beyond limiting the ads to the  
17          United States and Canada, did VNA make use of any of  
18          the geographic targeting options available on Google?

19      A.    No, we did not.

20      Q.    Okay.  Turning to demographics.  Are Google Ad word  
21          users able to target advertising to particular user  
22          demographics?

23      A.    Absolutely.

24      Q.    Okay.  So you could target men?

1 A. Yeah. That's -- absolutely.

2 Q. Okay. You could target people over 45?

3 A. Yeah. It's your target audience. You can target  
4 your audience for marketing and whatever purposes.

5 Sure.

6 Q. You could target people whose incomes exceed say  
7 \$100,000?

8 A. Correct.

9 Q. And, in fact, beyond these examples, are there a  
10 significant number of other demographic targeting  
11 options that Google makes available to advertisers?

12 A. A plethora of them. Virtually any demographic with  
13 the exception of race and religion.

14 Q. Okay. So focusing again on how VNA actually used the  
15 Google Ad words product as it relates to Flint. Did  
16 VNA target its advertising to any particular  
17 demographic?

18 A. No, it did not.

19 Q. Did it target men?

20 A. No.

21 Q. Did it target people over 45?

22 A. Nope.

23 Q. Okay. Did VNA make any use whatsoever of any of the  
24 demographic targeting options available on Google?

1 A. No, it didn't.

2 Q. Mr. Connor, are you generally familiar with how the  
3 Google Ad word program works?

4 A. I am.

5 Q. Okay. What does a user need to do before he or she  
6 can possibly see one of these Google Ads?

7 A. What does the user have to do?

8 Q. Yeah.

9 A. The user has to search for a topic or a subject, a  
10 service that relates to specific keywords of that ad  
11 in order to trigger that ad to display.

12 Q. Okay. So if a user doesn't enter search terms,  
13 keyword terms into Google, would they ever see any of  
14 VNA's Google Ads?

15 A. No. Nope.

16 Q. Is there any way that anyone would be served with one  
17 of these VNA ads about Flint if they weren't actively  
18 searching for information on Google?

19 A. No. It's not something you just stumble upon. You  
20 have to trigger an ad display through select  
21 keywords.

22 Q. Mr. Connor, are you generally familiar with VNA's  
23 budget for the Google Ad words relating to Flint?

24 A. Yep, I am.

1 Q. What was the daily budget for the advertising related  
2 to Flint?

3 A. It's set at \$75 a day.

4 Q. Okay. Based on your experience for an organization  
5 the size of Veolia, is \$75 an ad day -- \$75 a day ad  
6 purchase, is that substantial?

7 A. No.

8 MR. STERN: Objection.

9 THE WITNESS: No. For an  
10 organization the size of Veolia, that's  
11 not a substantial spend.

12 BY MR. KRAMER:

13 Q. Between 2017 and the present, did you ever increase  
14 the budget above \$75 a day?

15 A. Absolutely not.

16 Q. Mr. Connor, you were asked some questions about  
17 Google's dynamic ad features.

18 A. Uh-huh.

19 Q. Okay. Does Google offer its users a variety of  
20 different dynamic ad features?

21 A. Yes. There's options.

22 Q. Okay. Which dynamic ad features, if any, did VNA  
23 actually use in its advertising?

24 A. The only dynamic option that's enabled is for

1 multi title, multi description, what we would call  
2 variables. And the intent is based off of a user's  
3 search, the platform can display one or more of the  
4 more relevant titles and descriptions relative to  
5 that search.

6 Q. Okay. So at any point did VNA allow Google to change  
7 the text, like to rewrite the headline or description  
8 for any of its ads?

9 A. No. Google doesn't make up your descriptions or your  
10 titles or write for you.

11 Q. More broadly, did VNA utilize any sort of artificial  
12 intelligence technology to change the text of its  
13 advertising or to alter it based on user response?

14 A. No.

15 Q. Mr. Connor, how long have you been responsible for  
16 managing the Google Ad words account?

17 A. For Veolia North America, since I assumed the  
18 position in 2017.

19 Q. Okay. During that time, did you ever expand the  
20 number of keywords that VNA purchased?

21 A. No.

22 Q. Did you ever seek to ramp up the number of ads that  
23 were displayed?

24 A. No.

1 CERTIFICATE OF NOTARY PUBLIC

2 STATE OF MICHIGAN )

3 COUNTY OF LENAWEE )

4 I, Trisha Cameron, Certified Shorthand Reporter

5 and Notary Public in and for the State of Michigan, do

6 hereby certify that the witness whose attached

7 deposition was taken before me in the above cause was

8 first duly sworn or affirmed to testify to the truth,

9 the whole truth, and nothing but the truth; that the

10 testimony contained herein was by me reduced to writing

11 in the presence of the witness by means of Stenography;

12 afterwards transcribed by means of computer-aided

13 transcription; and that the deposition is a true and

14 complete transcript of the testimony given by the

15 witness to the best of my ability. I further certify I

16 am not connected by blood or marriage with any of the

17 parties, their attorneys or agents; that I am not an

18 employee of either of them; and that I am not

19 interested directly, indirectly, or financially in the

20 matter of controversy.

21 

22 Trisha Cameron, RDR, RMR, CRR, RPR, CSR

23 Notary Public, Lenawee County, Michigan

24 My Commission Expires 5-24-24